

At this very hour, in the wake of 9/11, to say we no longer care about that, that we will decide by a simple majority vote to grant retroactive immunity to companies who decided that a letter alone was enough legal authority for them to do what they did is wrong.

I have pointed out before in lengthy debate, not every phone company participated in the President's warrantless wiretapping program. Not everyone did. There were those who stood up to the administration and said, without a warrant, without proper legal authority, we will not engage in the vacuuming up of the private information of American citizens. They should be recognized and celebrated for standing for the rule of law.

For those who decided they were going to go the other way, let the courts decide whether that letter, that so-called documentation, was the legal authority that allowed them to do what they did for more than 5 long years.

Tomorrow we will vote around 11 o'clock on this amendment. I commend Senator BINGAMAN and Senator SPECTER. They have offered amendments as well dealing with other parts of this legislation for which I commend them. But I hope my colleagues, both Democrats and Republicans, would think long and hard about this moment. Senator CARL LEVIN of Michigan said something very important toward the conclusion of his remarks: That this in itself becomes a precedent, that some future administration, fearing they would not get permission from a FISA Court to engage in an activity that violated the privacy of our fellow citizens will no doubt use the vote tomorrow, if, in fact, those who are for retroactive immunity prevail. They will cite that act by this body as a legal justification for some future administration circumventing the FISA Courts in order to do exactly what was done in this case. It becomes a legal precedent.

So there is a great deal at risk and at stake with this vote tomorrow. It is about the rule of law. It is not about whether you care about the security of our Nation. Every one of us cares deeply about that, and we want to do everything we can to thwart those who would do us great harm. This is about the simple issue of whether a court of law ought to determine whether these companies violated the Constitution. Did they or didn't they? If they did not, so be it. If they did, then those to whom they did harm ought to be compensated at what marginal or minimal level one would decide. But let the court decide this. Let's not decide it by a simple vote here and set the precedent that I think we would regret for years and years to come.

With that, Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTORCOACH SAFETY

Mr. BROWN. Mr. President, today the National Transportation Safety Board presented its final report on the Atlanta motorcoach accident involving the Bluffton University baseball team last March.

The crash resulted in the deaths of five players on that team: Tyler Williams, Cody Holp, Scott Harmon, Zack Arend, and David Joseph Betts. The driver, Jerome Niemeyer, and his wife Jean were also killed in the crash. Many of the other passengers—33 in all—were treated for injuries.

For the families of those who lost loved ones and the families whose sons survived but now struggle with the aftermath, today has been highly anticipated.

Only hours after news of the accident hit home, these families pledged to improve safety measures on motorcoaches so that preventable—preventable—fatalities would not occur in the future.

For John Betts, who lost his son David in the crash, it was important to take the accident and make it into something positive in honor of his son and the other bright, talented young men who died that morning. Motorcoach safety became his crusade.

I spoke to Mr. and Mrs. Betts today and their son and daughter and talked to other parents of survivors and one who had died, and I think about their courage and their commitment and their passion to do this in the names of their sons, to fight for motorcoach safety so this tragedy does not befall other families. The Betts family sees upgrading the safety laws for motorcoaches as an opportunity to save the lives of future riders. Mr. Betts sees it also as a way to memorialize David and his teammates and, as he puts it, to make the world they lived in better than it was when they left it.

The Motorcoach Safety Enhancement Act, which I introduced last November along with Senator HUTCHISON from Texas, would address the shortfall in safety regulations for motorcoaches.

Today's final report echoes the recommendations the NTSB has been publishing for years and aligns itself with the safety improvements incorporated into our legislation. Specifically, the National Transportation Safety Board underscored major safety shortfalls that the Motorcoach Safety Enhancement Act addresses, such as development of a motorcoach occupant protection system, improved passenger safety standards, enhanced safety equipment and devices, and required onboard recorders with the capability to collect crash data.

Many of the injuries sustained in motorcoaches could be prevented by in-

corporating high-quality safety technologies that exist today but are not widely used, such as crush-proof roofing and glazed windows to prevent ejection. More basic safety features, such as readily accessible fire extinguishers and seatbelts—simple seatbelts—for all passengers, are still not required on motorcoaches. As a father of four, I find it particularly disturbing to know students are still riding in vehicles without even the option of buckling up. Seatbelts, window glazing, fire extinguishers—these are not new technologies. These are commonsense safety features that are widely used. Yet mandating them, as recommended by the NTSB, has been languishing for years.

The Motorcoach Safety Enhancement Act would instruct the Secretary of Transportation to enact these and other safety features and to establish a timeframe so these safety requirements do not spend any more time in limbo.

Sadly, the Bluffton University baseball team's fatal accident was not unique. We have witnessed story after story about motorcoach accidents. One happened in Texas, which precipitated Senator HUTCHISON's involvement in this effort. This bill takes the lessons learned from the tragic events of the Bluffton University baseball team's motorcoach accident and aims to correct them for future riders.

It is my hope that in the future parents will not have to endure the anguish and the grief that the Betts family members experienced and the family members of Tyler Williams and Cody Holp and Scott Harmon and Zack Arend and, as I said, the Betts family. I applaud the Betts family and the other Bluffton University parents for their courageous fight, for their persistence, and for their dedication to improving motorcoach safety in the midst of so much personal pain. Those families are truly remarkable.

I urge this body to swiftly pass the Motorcoach Enhanced Safety Act.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.